

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------|---|-----------------------------|
| RAVANNA SPENCER, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | C.A. No. 08-1166 Pittsburgh |
| |) | |
| JEFFREY A. BEARD, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on August 21, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's report and recommendation, filed on November 30, 2009 [49], recommends that the DOC Defendants' Motion [23] to Dismiss Plaintiff's Amended Complaint [21] be granted. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at SCI Retreat, where he is incarcerated, and on the Defendants. No objections were filed.

After de novo review of the Complaint and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 17th day of February, 2010;

IT IS ORDERED that the DOC Defendants' Motion [23] to Dismiss the Plaintiff's Amended Complaint [21] be, and hereby is, GRANTED.

The report and recommendation of Magistrate Judge Baxter dated November 30, 2009 [49] is adopted as the opinion of this Court.

s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: all parties of record
U.S. Magistrate Judge Susan Paradise Baxter